

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Jonathan Corbett

*Plaintiff*

v.

Andrew M. Cuomo, *in his official capacity as  
Governor of the State of New York,*  
*Defendant*

Case No. 20-CV-4864 (LGS)

**STATUS REPORT**

On June 26<sup>th</sup>, 2020, the Court ordered Plaintiff to take several actions and report back to the Court. D.E. #6. Plaintiff reports back on these and other matters as follows.

First, Plaintiff reports that the Clerk of the Court's office has not yet been able to comply with the order granting leave to file electronically due to technical issues on the Court's side. See D.E. #7. The Clerk has advised Plaintiff that it is working on the issue. In the meantime, the timing of Plaintiff's filings are at the convenience of the *pro se* office.

Second, the Court ordered that Plaintiff take steps to serve the lawsuit upon Defendant. Plaintiff was unable to formally serve Defendant because the Clerk has yet to issue a summons in this matter. Plaintiff submitted a summons request along with case opening documents on June 24<sup>th</sup>, 2020. See D.E. #3. Plaintiff lacks the power to compel Defendant's attendance until the Clerk remedies this situation. However, because Plaintiff was successful at informally communicating the complaint and pending motion, a Notice of Appearance was filed by counsel for Defendant. See D.E. #8.

Third, the Court ordered that Plaintiff e-mail, fax, and overnight the June 26<sup>th</sup>, 2020 order to Defendant's assumed counsel, the New York Attorney General's Office. Plaintiff has done so

and hereby certifies the same. Counsel for Defendant has confirmed to Plaintiff that he is in possession of a copy.

Fourth, the Court has ordered the parties to appear telephonically on July 2<sup>nd</sup>, 2020, and Plaintiff will comply. However, Plaintiff notifies the Court that this case has received significant media attention and public interest, resulting in a very high volume of phone calls and e-mails to his office, and takes notice that the Court published the access code for the hearing on the public docket. Plaintiff most respectfully suggests that given the attention to the case, an access code sent privately via e-mail by chambers to counsel may prevent unnecessary disruption by third parties. If the Court already has other means to ensure the integrity of the conference call, Plaintiff apologizes for the unsolicited feedback.

Fifth, Plaintiff files an amended complaint contemporaneous with this status report pursuant to Fed. R. Civ. P. 15(a)(1). The “meat” of Plaintiff’s lawsuit, especially for the purpose of the pending motion for a temporary restraining order, remains unchanged: that Defendant cannot legally justify his order. Added, however, are many details and two additional causes of action as a result of the enforcement of the order apparently including the requirement for travelers to fill out a form or be subject to detention.

Sixth, Plaintiff advises the Court that a case he cited in his motion for a temporary restraining order, D.E. #2 (docketed as “Unsigned Order to Show Cause” as a result of Clerk’s error), was appealed to the U.S. Supreme Court, which has issued a decision. *S. Bay United Pentecostal Church v. Newsom*, 140 S. Ct. 1613 (2020). The decision of the Supreme Court did not appear to modify anything relating to the point for which Plaintiff was making (that “good faith” and “some factual basis” are insufficient to uphold a similar Governor’s order), but the Supreme Court’s opinion should have been noted and Plaintiff feels the ethical duty to advise the

Court of the same. The Supreme Court case was not available in the research database used by Plaintiff at the time of the drafting of the motion, and Plaintiff apologizes for its omission.

Seventh and finally, Plaintiff reports that the filing fee for this case was mailed in the form of a \$400 money order sent by USPS Priority Mail to the Clerk today.

Dated: New York, NY  
June 29<sup>th</sup>, 2020

Respectfully submitted,

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/s/  
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